

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**WILLIAM NORTON,**  
**Plaintiff,**

**v.**

**TOWN OF WHITMAN,**  
**JAMES STONE, JR., MATTHEW POORE,**  
**STEPHEN DRASS, PETER AITKEN,**  
**SCOTT BENTON, ANDREW STAFFORD,**  
**JASON H. BATES, and JOHN SCHNYER,**  
**Defendants.**

**C.A. No. 04-11854 JLT**

**DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S COMPLAINT  
PARAGRAPHS 30 AND 31, PURSUANT TO FED.R.CIV.P. 12(f)**

NOW COME the defendants in the above-captioned matter and respectfully request that this Honorable Court, pursuant to Fed.R.Civ.P. 12(f), order stricken from the plaintiff's Complaint paragraphs 30 and 31. As grounds for this Motion, the defendants state as follows:

The plaintiff, William Norton, has brought this case alleging causes of action for civil rights violations, conspiracy, false imprisonment, malicious prosecution, negligence and intentional infliction of emotional distress arising from the plaintiff's arrest by Town of Whitman police officers on or about June 5, 2004 on charges of possession of stolen property in violation of M.G.L. c. 266, § 60A. The defendants deny all such allegations and assert that there was probable cause for the plaintiff's arrest.

In paragraph 30 of the plaintiff's Complaint, the plaintiff alleges that:

In early August 2004, Town of Whitman police officers caused two young boys, aged 12 and 14, to be arrested for doing nothing other than skateboarding in the Town of Whitman. Norton states that these heavy handed arrests are part of a pattern and practice of the Town of Whitman to arrest individuals, without probable cause, whom the officers indiscriminately consider problematic or

suspicious.

In paragraph 31 of the plaintiff's Complaint, the plaintiff alleges that: "Violations of law described above further constituted a 'policy' of the Town of Whitman."

The allegations contained within paragraphs 30 and 31 of the plaintiff's complaint are immaterial and irrelevant in that the facts alleged have no bearing on the facts at issue in this litigation.

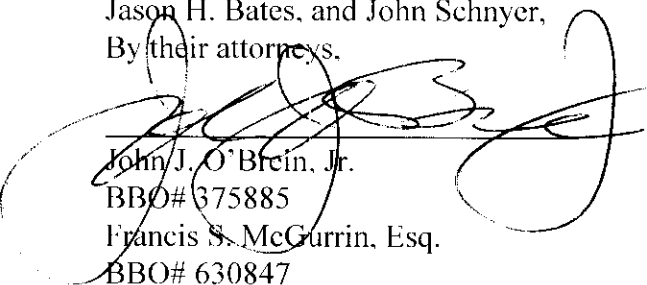
WHEREFORE the defendants respectfully request that this Honorable Court order that paragraphs 30 and 31 contained within the plaintiff's Complaint be stricken, pursuant to Fed.R.Civ.P. 12(f).

"REQUEST FOR ORAL ARGUMENT."

Certificate of Local Rule 37.1

I, John J. O'Brien, Jr., attorney for the defendants, hereby certify that the provisions of Local Rule 37.1 have been complied with.

Respectfully submitted,  
By the defendants,  
Town of Whitman, James Stone, Jr.,  
Matthew Poore, Stephen Drass, Peter  
Aitken, Scott Benton, Andrew Stafford,  
Jason H. Bates, and John Schnyer,  
By their attorneys.



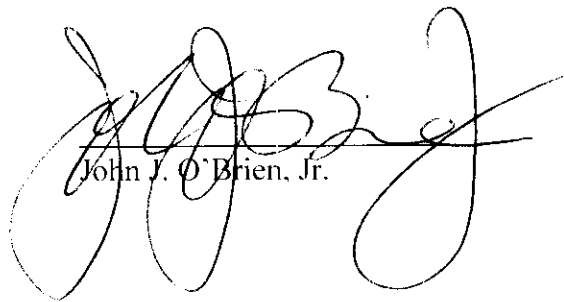
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(781) 239-9988

DATED: 9/15/4

CERTIFICATE OF SERVICE

I, John J. O'Brien, Jr., attorney for the defendants hereby certify that on the 15<sup>th</sup> day of September, 2004, a true copy of Defendants' Motion to Strike, was forwarded by first class mail, postage pre-paid, to the following counsel of record:

Robert S. Sinsheimer, Esq.  
Susan E. Sivacek, Esq.  
Sinsheimer & Associates  
Four Longfellow Place, Suite 3501  
Boston, MA 02114-9505



John J. O'Brien, Jr.